

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GMA ACCESSORIES, INC.,

Plaintiff,

-against-

Civil Action No.

07CV3219 (LTS)

EMINENT, INC., SAKS FIFTH AVENUE, INC.,

INTERMIX, INC., WINK NYC, INC.,

LISA KLINE, INC., GIRLSHOP, INC.,

SHOWROOM SEVEN STUDIOS, INC.,

JONATHAN SINGER, LEWIS TIERNEY and

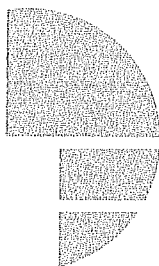
JONATHAN SOLNICKI,

Defendants.
-----X

DEPOSITION OF JEAN-MARC FLACK

March 18, 2008

2:10 P.M.



David Feldman
Worldwide

From File to Trial™

California | New York | Texas
www.david-feldman.com

1 JEAN-MARC FLACK

2 identification, as of this date.)

3 Q. I'm going to hand you what has
4 been marked as Exhibit A, and handing copies
5 to your attorney as well as Miss Anand.

6 Can you just read to me what it
7 says in the upper righthand corner of that
8 document?

9 A. "Second Amended Complaint, Civil
10 Action Number 07 CV 3219 LTS."

11 Q. Now, do you see the caption of
12 that case to the left of where you just
13 read? There are a number of companies
14 listed there.

15 A. Yes.

16 Q. Can you identify any of the
17 companies that you've ever seen before or
18 individuals that you've ever heard of before
19 beside Saks, Intermix, Wink and Lisa Kline
20 who you've already identified?

21 A. Showroom Seven Studios, Inc. is an
22 old defunct company that we used to
23 operate. And Jonathan Solnicki was my main
24 contact for Charlotte Solnicki. And I don't
25 know any of the other names. Sorry,

1 JEAN-MARC FLACK

2 Girlshop I think is another retailer we sell
3 to.

4 Q. When was the last time you sold
5 anything to Girlshop?

6 A. I have no idea.

7 Q. Have you sold Charlotte Solnicki
8 goods to Girlshop?

9 A. Possibly. I'm not sure.

10 Q. What is the relationship between
11 the Showroom Seven that sells Charlotte
12 Solnicki goods and the company Showroom
13 Seven Studios, Inc. that you say is defunct?

14 A. I'm not sure about the -- how to
15 answer the question. It was a separate
16 company that was supposed to be -- that was
17 designed, was set up to rent space for photo
18 shoot on location.

19 Q. Who were the owners of that
20 company?

21 A. I'm not sure. I don't know who
22 the owners of that company were offhand. I
23 would have to check the record.

24 Q. Were the owners you and Maria
25 Cassa?

1 JEAN-MARC FLACK

2 A. That's possible.

3 Q. Do you have records concerning
4 the ownership of that company?

5 A. Yes.

6 Q. Where are they kept?

7 A. In my office. Well, we are
8 moving at the moment so everything is --

9 Q. Did that company maintain a bank
10 account?

11 A. No.

12 Q. Did Maria Cassa ever do work for
13 that company?

14 A. No. The company was never -- we
15 cut up a corporation and never used it.

16 Q. Did Marie Cassa ever pick up a
17 check or checks for payment of services from
18 you or anyone from your company or
19 companies?

20 A. From me, no.

21 Q. Or from anyone in your company or
22 companies?

23 A. No.

24 Q. Let me ask you this: When do you
25 say that Showroom Seven Studios Inc. ceased

1 JEAN-MARC FLACK

2 doing business?

3 A. I'm not sure. '92 or something.

4 I don't know. I would have to check the
5 record.

6 Q. Would it surprise you to learn
7 that Maria Cassa testified that she did work
8 for that company as recently as a year ago?

9 A. Yes.

10 Q. Let me you ask this. When did
11 you open that company?

12 A. I don't know.

13 Q. What was the address of that
14 company, the address that that company
15 advertised at?

16 A. I believe -- I don't know. I
17 think it was registered at 498 Seventh
18 Avenue.

19 Q. Is that the same address as the
20 Showroom Seven that sells Charlotte -- or
21 sold Charlotte Solnicki merchandise?

22 A. Yes.

23 Q. How long have you personally
24 operated out of 498 Seventh Avenue?

25 A. Approximately 13 years.

1 JEAN-MARC FLACK

2 Q. What are the names of any
3 partners that you had at that location since
4 you've been there?

5 A. Karen Ericson and Mandy Ericson.

6 Q. Does the Showroom Seven that sold
7 the Charlotte Solnicki merchandise have a
8 bank account?

9 A. Does the Showroom Seven that sold
10 -- I'm not sure how to answer the question.
11 I mean yes, we have a bank account. I'm not
12 sure -- they might have changed since I
13 worked with Charlotte Solnicki.

14 Q. What was it when you worked with
15 Charlotte Solnicki?

16 A. I don't know off the top of my
17 head. I would have to check my record.

18 Q. How would you do that?

19 A. Mirsada Zaku.

20 Q. That's Z-a-k-u?

21 A. Yes.

22 Q. Where is your bank account now,
23 the Showroom Seven bank account?

24 A. New York City.

25 Q.+ Which bank?

1 JEAN-MARC FLACK

2 attorney.

3 That's all I have for today.

4 Thank you.

5 Miss Anand, do you have any
6 cross-examination?

7 MS. ANAND: Yes.

8 Can we mark this as an exhibit?

9 (Document was marked Defendant's
10 Exhibit E, for identification, as of
11 this date.)

12 MR. BOSTONY: For the record, a
13 copy of Exhibit A that I gave to the
14 witness also has attached to it an
15 order dated August 29, 2007, as does
16 the original exhibit and copies that
17 were given to counsel.

18 MR. KAMAL: I don't have the
19 order. Is it Exhibit A?

20 MR. BOSTONY: No. Attached to
21 it.

22 MR. KAMAL: Okay.

23 MR. BOSTONY: You have that.

24 MR. KAMAL: Yes.

25 EXAMINATION